

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

**FILED**

January 06, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

United States of America

v.

LOPEZ, Adrian

BY: Cecie Rodriguez  
DEPUTY

Case No.

EP:23-MJ- 46 ATB*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 5, 2023, in the county of El Paso in the  
Western District of Texas, the defendant(s) violated:*Code Section*

Title 18 U.S.C. § 554(a)

*Offense Description*

Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to-wit: one (1) AR- 15 rifle, one (1) S &amp; W .45 pistol, 13 rounds of .223 cal and 5 rounds of .40 cal and 2 magazines.

This criminal complaint is based on these facts:

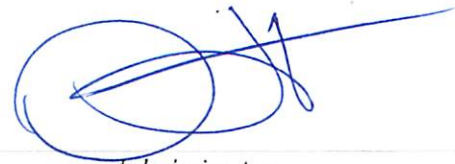
See Attached Affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Armando Coello, HSI Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 01/06/2023*Judge's signature*City and state: El Paso, Texas

Anne T. Berton, U.S. Magistrate Judge

*Printed name and title*Complaint sworn to telephonically on  
January 06, 2023 at 1:43 pm and signed  
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**

On January 5, 2023, Adrian LOPEZ attempted to exit the United States into Mexico via the southbound lanes at the Tornillo Texas Port of Entry (POE). LOPEZ was the driver of a white 2015 Nissan Armada bearing Oklahoma license plates. Passengers in the vehicle were LOPEZ' wife and four minor children.

Customs and Border Protection (CBP) Officer Ernesto Lopez was assigned to southbound inspection duties at the Tornillo POE when LOPEZ was encountered. CBP Officer Lopez asked LOPEZ about their purpose of traveling into Mexico. LOPEZ stated they were going to their home in Mexico. CBP Officer Lopez asked LOPEZ if he was transporting any type of merchandise for himself or anyone else into Mexico to include munitions, arms, or money of any kind. LOPEZ responded no. CBP Canine Enforcement Officer (CEO) Luis A. Garcia Dominguez and his assigned Firearms and Currency Detection Dog (FCDD) screened the vehicle driven by LOPEZ.

CBP CEO Garcia Dominguez informed CBP Officer Lopez that the FCDD had alerted and responded to the presence of a previously fired weapon emitting from the spare tire of the vehicle.

CBP Officer Lopez asked LOPEZ for his documents. CBP Officer Lopez noticed LOPEZ' hand visibly shaking as he presented his passport card to CBP Officer Lopez. CBP Officer Lopez escorted LOPEZ into the vehicle secondary area for an intensive inspection.

The vehicle was scanned through the Z-Portal unit. CBP Supervisor Adolfo Garcia was assigned as the Z-Portal operator at the Tornillo POE. Anomalies were detected in the rear quarter panel and spare tire areas of the vehicle.

Further inspection of the vehicle revealed an AR-15 rifle concealed on top of the spare tire. A Smith and Wesson .45 caliber pistol, an empty magazine inserted in the pistol, an AR-15 magazine loaded with thirteen (13) rounds and five (5) rounds were found in the rear quarter panel area.

HSI Special Agent (SA) Armando Coello responded to the Tornillo POE. HSI SA Coello read LOPEZ his Miranda Statement of Rights in the Spanish language witnessed by CBP CEO Garcia Dominguez. LOPEZ acknowledged in writing that he understood his rights and agreed to speak with agents without the presence of an attorney.

At the beginning of the interview, before any questions were asked, LOPEZ stated that he would only make the following statement before requesting an attorney.

On or about one week prior to his arrest, he met an individual at a hotel in the U.S. He maintained contact with that individual and exchanged phone numbers. That individual sold LOPEZ the firearms. LOPEZ intent was to keep these firearms at his ranch in Mexico and stated they were not intended to be resold. LOPEZ' wife waited at a store in El Paso while LOPEZ purchased the firearms. LOPEZ' wife was not aware of the firearms purchase.

HSI SA Coello asked LOPEZ if he would like to speak to an attorney before continuing with the interview. LOPEZ stated he would like an attorney. The interview with LOPEZ was immediately terminated.